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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 Clyde Lewis aka Louis Randolph,

Case No. 2:19-cv-01729-KJD-DJA

7 Plaintiff,

**Order**

8 v.

9 James Dzurenda, et al.,

10 Defendants.  
11

12 Before the Court are *pro se* Plaintiff Clyde Lewis' motions for sanctions (ECF No. 59)  
13 and to have all information forwarded to the U.S. Marshals Service (USMS) to expedite service  
14 (ECF No. 52). Because the Court finds that both motions are without merit, it denies them. The  
15 Court finds these matters properly resolved without a hearing. LR 78-1.

16 ***A. The Court denies Plaintiff's motion for sanctions.***

17 Plaintiffs' motion for sanctions is filed along with his reply in support of his motion to  
18 compel Defendants to serve him with a copy of their summary judgment motion (ECF No. 51)  
19 and response to Defendants' countermotion for sanctions (ECF No. 54). However, the Honorable  
20 District Judge Kent J. Dawson has already ruled on both of those motions. (ECF No. 56). The  
21 Court thus does not address the arguments Plaintiff makes in support of his motion or in  
22 opposition to Defendants' motion.

23 The Court also notes that Plaintiff's motion for sanctions is based on the same premise as  
24 his prior motion to compel. Plaintiff again asserts that Defendants never served him with their  
25 motion for summary judgment. *Compare* (ECF No. 59) *with* (ECF No. 51). However, Judge  
26 Dawson already ruled on that issue too, explaining that Defendants' "sworn statement from  
27 Lieutenant Correctional Officer Chris Sawin that he personally handed Plaintiff a copy of the  
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1 motion [for summary judgment]...[was] more persuasive and reliable than Plaintiff's motion...."  
2 (ECF No. 56).

3 Plaintiff now moves for sanctions, asserting that he never received the motion for  
4 summary judgment, only the exhibits. (ECF No. 59). Defendants respond that they did serve  
5 Plaintiff with the motion for summary judgment and, to prove it, attach a letter that Plaintiff  
6 signed when receiving the documents to confirm receipt. (ECF No. 62-1). Plaintiff replies that  
7 Defendants conspired with Lt. Sawin to make it look like Plaintiff received the motion. (ECF No.  
8 64).

9 The Court denies Plaintiff's motion for sanctions because he has not shown that  
10 Defendants have done anything sanctionable. While Plaintiff asserts he did not receive the  
11 motion for summary judgment, Defendants have provided evidence that he has. And the Court  
12 has already found Plaintiff's arguments on this point unpersuasive. The Court thus denies  
13 Plaintiff's motion for sanctions. In an abundance of caution, the Court directs the Clerk's office  
14 to mail Plaintiff a copy of the motion for summary judgment, but not its exhibits, which Plaintiff  
15 claims to already have. (ECF No. 59 at 7).

16 ***B. The Court denies Plaintiff's motion requesting information to be forwarded to***  
17 ***the USMS.***

18 Plaintiff moves for the Court to order the Nevada Department of Corrections and the  
19 Attorney General's office to provide the USMS with all the information they have about  
20 Defendants Yesenia Aviles and Javier Ortega so that the USMS can find and serve these  
21 defendants. (ECF No. 52). Defendants respond that the USMS already attempted service at  
22 Aviles and Ortega's last known addresses, but that service was unsuccessful. (ECF No. 55).  
23 Defendants point out that the Court has already given Plaintiff extensions of time to serve Aviles  
24 and Ortega, but that Plaintiff has failed to provide more information which would help the USMS  
25 serve them. (*Id.* at 1-2). They add that Plaintiff has improperly waited until right before the  
26 service deadline but has not shown good cause for the delay. (*Id.* at 3). Plaintiff did not file a  
27 reply.  
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1 The Court denies Plaintiff's motion. It has previously denied Plaintiff's similar motion  
2 asking the Court to order the USMS to find the Defendants for him. (ECF No 49). As the Court  
3 mentioned before, the USMS is not a private investigatory agency. (*Id.*). And even if the Nevada  
4 Department of Corrections and Attorney General's office provided the USMS with all the  
5 information they have about Aviles and Ortega, the USMS is not obligated to track the defendants  
6 down using this information. The Court thus denies Plaintiff's motion.

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8 **IT IS THEREFORE ORDERED** that Plaintiff's motion for sanctions (ECF No. 59) is  
9 **denied.** The Clerk of Court is kindly directed to mail Defendant's motion for summary judgment  
10 (ECF No. 35)—but not its attached exhibits—to Plaintiff.

11 **IT IS FURTHER ORDERED** that Plaintiff's motion requesting all information to be  
12 forwarded to the USMS (ECF No. 52) is **denied.**

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14 DATED: August 8, 2022

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17 DANIEL J. ALBREGTS  
18 UNITED STATES MAGISTRATE JUDGE  
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